

## Subpart G—Adverse Actions

### GENERAL

#### § 9901.701 Purpose.

This subpart contains regulations prescribing the requirements for employees who are removed, suspended, furloughed for 30 days or less, reduced in pay, or reduced in pay band (or comparable reduction). The Secretary may prescribe implementing issuances to carry out the provisions of this subpart.

#### § 9901.702 Waivers.

With respect to any category of employees covered by this subpart, subchapters I and II of 5 U.S.C. chapter 75, in addition to those provisions of 5 U.S.C. chapter 43 specified in subpart D of this part, are waived and replaced by this subpart.

#### § 9901.703 Definitions.

In this subpart:

*Adverse action* means a removal, suspension, furlough for 30 days or less, reduction in pay, or reduction in pay band (or comparable reduction).

*Band* has the meaning given that term in § 9901.103.

*Day* has the meaning given that term in § 9901.103.

*Furlough* has the meaning given that term in § 9901.103.

*Indefinite suspension* means the placement of an employee in a temporary status without duties and pay pending investigation, inquiry, or other administrative action. An indefinite suspension continues for an indeterminate period of time and ends with the occurrence of pending conditions set forth in the notice of actions which may include the completion of any subsequent administrative action.

*Initial probationary period* has the meaning given that term in § 9901.103.

*In-service probationary period* has the meaning given that term in § 9901.103.

*Mandatory removal offense (MRO)* has the meaning given that term in § 9901.103.

*Reduction in pay* means a decrease in an employee's rate of basic pay fixed by law or administrative action for the position held by the employee before any deductions and exclusive of addi-

tional pay of any kind. Basic pay does not include local market supplements under subpart C of this part or similar payments. Nonreceipt of a pay increase is not a reduction in pay.

*Removal* means the involuntary separation of an employee from the Federal service.

*Suspension* means the temporary placement of an employee, for disciplinary reasons, in a nonduty/ nonpay status.

#### § 9901.704 Coverage.

(a) *Actions covered.* This subpart covers removals, suspensions, furloughs of 30 days or less, reductions in pay, or reductions in band (or comparable reductions).

(b) *Actions excluded.* This subpart does not cover—

(1) An action taken against an employee during an initial probationary period established under § 9901.512(a), except when the employee is a preference eligible who has completed 1 year of that probationary period;

(2) A reduction in pay or pay band of an employee who does not satisfactorily complete an in-service probationary period under § 9901.512(b) if the employee is returned to a grade or band and rate of basic pay no lower than that held before the in-service probationary period.

(3) An action that terminates a temporary or term promotion and returns the employee to the position from which temporarily promoted, or to a different position in a comparable pay band, if the employee was informed that the promotion was to be of limited duration;

(4) A reduction in force action under subpart F of this part;

(5) An action imposed by the Merit Systems Protection Board under 5 U.S.C. 1215;

(6) A voluntary action by an employee;

(7) An action taken or directed by OPM based on suitability under 5 CFR part 731;

(8)(i) Termination of appointment on the expiration date specified as a basic condition of employment at the time the appointment was made;

(ii) Termination of appointment before the expiration date specified as a